

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 15-08342 CA 08

DR. JAMES McDONOUGH,

Plaintiff

vs.

ALEJANDRO MURGUIDO, LUIS GOMES  
AND ALEXANDER MURGUIDO,

Defendants.

/

**NOTICE OF SERVICE OF INTERROGATORIES TO PLAINTIFF**

Defendant, ALEJANDRO MURGUIDO, by its undersigned counsel, propound(s) written Interrogatories, consisting of twenty one (21) in number, to the Plaintiff herein, **JAMES McDONOUGH**, to be answered under oath within thirty days from the date of receipt hereof in accordance with the Florida Rules of Civil Procedure.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served using the Florida Courts e-Filing Portal on June 9, 2017, to Alan J. Greenstein, Esq., Attorney for Plaintiff, agreeenstein004@hotmail.com, Dade Towers, 9200 S. Dadeland Blvd., Suite 308, Miami, FL 33156, and to John A. Jabro, Esq., Attorney for Defendant, Luis Gomez, 90311 Overseas Hwy Ste B, Tavernier, FL 33070-2301 jjabro@aol.com .

WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Attorneys for Defendant MURGUIDO  
200 East Broward Blvd.  
Suite 1900  
Fort Lauderdale, Florida 33301  
Telephone: (954) 763-4242

BY: /s/ Eric Stettin  
ERIC L. STETTIN, ESQ.  
FLA. BAR NO: 0831697

## DEFINITIONS

- (a) The words "you," "yours" and/or "yourselves" means the Plaintiff, and any directors, officers, employees, agents, representatives or other persons acting or purporting to act, on behalf of the Plaintiff.
- (b) The singular shall include the plural and vice versa; the terms "and" or "or" shall be both conjunctive and disjunctive; and the term "including" mean "including without limitation."
- (c) "Date" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).
- (d) The word "document" shall mean any writing, recording or photograph in your actual or constructive possession, custody, care or control, which pertain directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, microfilms, video tapes or tape recordings.
- (e) "Agent" shall mean: any agent, employee, officer, director, attorney, independent contractor or any other person acting at the direction of or in behalf of another.
- (f) "Person" shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.
- (g) The words "pertain to" or "pertaining to" mean: relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts or contradicts.
- (h) The term "third party" or "third parties" refers to individuals or entities that are not a party to this action.
- (i) The term "action" shall mean the case entitled Dr. James McDonough, vs. Alejandro Murguido, Luis Gomes and Alexander Murguido, Case No. 15-08342 CA 08 in the Dade County Circuit Court.
- (j) The word "identify", when used in reference to a document, means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including (1) the type of document (i.e. correspondence, memorandum, facsimile etc.,); (2) the general subject matter of the document; (3) the date of the document; (4) the author of the document; (5) the addressee of the document; and (6) the relationship of the author and addressee to each other.

## INSTRUCTIONS

If you object to fully identifying a document or oral communication because of a privilege, you must nevertheless provide the following information pursuant to Fla.R.Civ.P. 1.280, unless divulging the information would disclose the privileged information:

- (1) the nature of the privilege claimed (including work product);
- (2) if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- (3) the date of the document or oral communication;
- (4) if a document: its type (correspondence, memorandum, facsimile etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document, request, including where appropriate the author, the addressee, and, if not apparent, the relationship of the persons present to the declarant; and
- (5) if oral communication: the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
- (6) the general subject matter of the document or oral communication.

## **INTERROGATORIES TO PLAINTIFF**

1. List the names, business addresses, dates of employment, and rates of pay regarding all employers, including self-employment, for whom you have worked in the past ten 10 years.
2. List all former names and when you were known by those names. State all addresses where you have lived for the past ten 10 years, the dates you lived at each address, your Social Security number, your date of birth, and, if you are or have ever been married, the name of your spouse or spouses.
3. Have you ever been convicted of a crime, other than any juvenile adjudication, which under the law under which you were convicted was punishable by death or imprisonment in excess of one 1 year, or that involved dishonesty or a false statement regardless of the punishment? If so, state as to each conviction, the specific crime, and the date and the place of conviction.
4. Were you suffering from physical infirmity, disability, or sickness at the time of the incident described in the complaint? This includes without limitation any mental health or psychological or psychiatric diseases, condition or illness. If so, what was the nature of the infirmity, disability, or sickness?
5. Describe each injury for which you are claiming damages in this case, specifying the part of your body that was injured, the nature of the injury, and, as to any injuries you contend are permanent, the effects on you that you claim are permanent.
6. List each item of expense or damage, other than loss of income or earning capacity, that you claim to have incurred as a result of the incident described in the complaint, giving for each item the date incurred, the name and business address of the person or entity to whom each was paid or is owed, and the goods or services for which each was incurred.

7. Do you contend that you have lost any income, benefits, or earning capacity in the past or future as a result of the incident described in the complaint? If so, state the nature of the income, benefits, or earning capacity, and the amount and the method that you used in computing the amount.
8. Has anything been paid or is anything payable from any third party for the damages listed in your answers to these interrogatories? If so, state the amounts paid or payable, the name and business address of the person or entity who paid or owes said amounts, and which of those third parties have or claim a right of subrogation.
9. List the names and business addresses of each physician who has treated or examined you, and each medical facility where you have received any treatment or examination for the injuries for which you seek damages in this case; and state as to each the date of treatment or examination and the injury or condition for which you were examined or treated.
10. List the names and business addresses of all other physicians, medical facilities, or other health care providers by whom or at which you have been examined or treated in the past ten 10 years; and state as to each the dates of examination or treatment and the condition or injury for which you were examined or treated. This includes without limitation any examination in which the Plaintiff has been the subject of a Baker Act and/or Marchman Act for the past 10 years.
11. List the names and addresses of all persons who are believed or known by you, your agents, or your attorneys to have any knowledge concerning any of the issues in this lawsuit; and specify the subject matter about which the witness has knowledge.

12. Have you heard or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit? If so, state the name and address of each person who made the statement or statements, the name and address of each person who heard it, and the date, time, place, and substance of each statement.
13. State the name and address of every person known to you, your agents, or your attorneys, who has knowledge about, or possession, custody, or control of, any model, plat, map, drawing, motion picture, video tape videotape, audiotape, photograph or any other type of recording pertaining to any fact or issue involved in this controversy; and describe as to each, what item such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.
14. Please state if you have ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter, and, if so, state whether you were plaintiff or defendant, the nature of the action, and the date and court in which such suit was filed.
15. Please state whether the Plaintiff has filed a petition for bankruptcy during the time period of one year prior to the incidents that form the basis of this lawsuit to the current. If the answer is yes, please state the name and location of the court where the petition was filed, and the status (open or closed) of the proceeding.
16. Identify any and all social media sites in which you have participated and/or established a profile for from January 1, 2011 to the present. If your answer to this Interrogatory is in the affirmative, please provide your past and current login names, passwords, and public and private profile information for each site.

17. Identify with as much specificity as possible each and every communication (oral or written) by and between the Plaintiff and any online blog, news site social media or other online media or other media pertaining to any issue referred to in your complaint. Your answer must include without limitation the entity referred to as Photographyisnotacrime.com, (¶33 of 2<sup>nd</sup> Amended Complaint) and their respective officers, agents, employees or other representatives. Your answer must also include the date of each communication, the persons aware of any such communications (to include a street address for service of a subpoena) and a detailed description of the substance of each such communication with any online blog, new site social media or other online media or other source of information pertaining to any issue referred to in your complaint.

18. Describe with as much specificity as possible all facts that you contend support your contention that any statements made by Alejandro Murguido (including those referred to in paragraphs 38-42 of the Second Amended complaint) were either false or made with malice. Your answer must include the specific circumstances and date of each statement, the persons present or are aware of the statements (to include a street address for service of a subpoena) and a detailed description of what you contend occurred that was either false, defamatory and that supports your contention that the conduct of Alejandro Murguido was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

19. Describe with as much specificity as possible all facts that support and/or refer to each incident referred to in the complaint that you contend support your claims of defamation and intentional infliction of emotional distress. Your answer must include the specific circumstances and date of each incident, the persons present or are aware of the incident (to include a street address for service of a subpoena) and a detailed description of what you contend occurred that was either false, defamatory and that supports your contention that the conduct of Alejandro Murguido was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

20. Describe with as much specificity as possible all facts and circumstances that support your contention that the conduct of Alejandro Murguido was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property with respect to any issue referred to in your complaint.

21. Identify with as much specificity as possible each and every communication (oral or written) by and between the Plaintiff, on the one hand, and on the other hand, the City of Homestead, the Miami Dade Police Department, the Miami Dade State Attorneys Office, the FDLE and/or any other government entity, agency and/or investigative body pertaining to any issue referred to in your complaint. Your answer must include the date of each communication, the persons aware of any such communications (to include a street address for service of a subpoena) and a detailed description of the substance of each such communication.

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JAMES McDONOUGH,

STATE OF FLORIDA  
COUNTY OF MIAMI DADE

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_, who under penalties of perjury, represented to me that he is the person who executed the foregoing Answers to Interrogatories and that the statements contained therein are true and correct to the best of his knowledge and belief.

WITNESSED this \_\_\_ day of \_\_\_\_\_, 2017.

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NOTARY PUBLIC

My Commission Expires:  
Identification provided: